

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
ROSS ANTHONY FARCA,  
Defendant.

Case No. 19-cr-00643-JST-1

**ORDER DENYING MOTION TO  
VACATE**

Re: ECF No. 83

Before the Court is a motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. ECF No. 83.

The Court lacks jurisdiction over this Section 2255 motion because the Defendant is not in federal custody. *See United States v. Reves*, 774 F.3d 562, 564-65 (9th Cir. 2014) (holding that whether an individual is “in custody” under Section 2255 is a jurisdictional issue); *Booth v. United States*, 209 F.2d 183, 184 (9th Cir. 1954) (holding that an individual is not “in custody under sentence of a court established by Act of Congress” for purposes of Section 2255 when in custody under a sentence of a state court). Accordingly, the motion is denied.

**IT IS SO ORDERED.**

Dated: June 28, 2023

  
JON S. TIGAR  
United States District Judge